

(f) *Sound oats*. Kernels and pieces of oat kernels (except wild oats) that are not badly ground-damaged, badly weather-damaged, diseased, frost-damaged, germ-damaged, heat-damaged, insect-bored, mold-damaged, sprout-damaged, or otherwise materially damaged.

(g) *Wild oats*. Seeds of *Avena fatua* L. and *A. sterilis* L.

#### PRINCIPLES GOVERNING THE APPLICATION OF STANDARDS

##### § 810.1003 Basis of determination.

Other determinations not specifically provided for under the general provisions are made on the basis of the grain as a whole.

#### GRADES AND GRADE REQUIREMENTS

##### § 810.1004 Grades and grade requirements for oats.

Grade	Minimum limits—		Maximum limits—		
	Test weight per bushel (pounds)	Sound oats (percent)	Heat-damaged kernels (percent)	Foreign material (percent)	Wild oats (percent)
U.S. No. 1 .....	36.0	97.0	0.1	2.0	2.0
U.S. No. 2 .....	33.0	94.0	0.3	3.0	3.0
U.S. No. 3 <sup>1</sup> .....	30.0	90.0	1.0	4.0	5.0
U.S. No. 4 <sup>2</sup> .....	27.0	80.0	3.0	5.0	10.0

U.S. Sample grade—

U.S. Sample grade are oats which:

- Do not meet the requirements for the grades U.S. Nos. 1, 2, 3, or 4; or
- Contain 8 or more stones which have an aggregate weight in excess of 0.2 percent of the sample weight, 2 or more pieces of glass, 3 or more crotalaria seeds (*Crotalaria* spp.), 2 or more castor beans (*Ricinus communis* L.), 4 or more particles of an unknown foreign substance(s) or a commonly recognized harmful or toxic substance(s), 8 or more cocklebur (*Xanthium* spp.) or similar seeds singly or in combination, 10 or more rodent pellets, bird droppings, or equivalent quantity of other animal filth per 1 1/8 to 1 1/4 quarts of oats; or
- Have a musty, sour, or commercially objectionable foreign odor (except smut or garlic odor); or
- Are heating or otherwise of distinctly low quality.

<sup>1</sup> Oats that are slightly weathered shall be graded not higher than U.S. No. 3.

<sup>2</sup> Oats that are badly stained or materially weathered shall be graded not higher than U.S. No. 4.

#### SPECIAL GRADES AND SPECIAL GRADE REQUIREMENTS

##### § 810.1005 Special grades and special grade requirements.

(a) *Bleached oats*. Oats that in whole or in part, have been treated with sulfuric acid or any other bleaching agent.

(b) *Bright oats*. Oats, except bleached oats, that are of good natural color.

(c) *Ergoty oats*. Oats that contain more than 0.10 percent ergot.

(d) *Extra-heavy oats*. Oats that have a test weight per bushel of 40 pounds or more.

(e) *Garlicky oats*. Oats that contain 4 or more green garlic bulblets or an equivalent quantity of dry or partly dry bulblets in 500 grams of oats.

(f) *Heavy oats*. Oats that have a test weight per bushel of 38 pounds or more but less than 40 pounds.

(g) *Smutty oats*. Oats that have kernels covered with smut spores to give a

smutty appearance in mass, or that contain more than 0.2 percent of smut balls.

(h) *Thin oats*. Oats that contain more than 20.0 percent of oats and other matter, except fine seeds, that pass through a 0.064×3/8 oblong-hole sieve but remain on top of a 5/64 triangular-hole sieve after sieving according to procedures prescribed in FGIS instructions.

[52 FR 24418, June 30, 1987, as amended at 52 FR 24441, June 30, 1987]

#### Subpart H—United States Standards for Rye

##### TERMS DEFINED

##### § 810.1201 Definition of rye.

Grain that, before the removal of dockage, consists of 50 percent or more of common rye (*Secale cereale* L.) and not more than 10 percent of other grains for which standards have been